

Decision 02-10-018 October 3, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

United States Can Company,

Complainant,

vs.

Southern California Edison Company,

Defendant.

Case 01-08-018
(Filed August 3, 2001)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter was August 2, 2002. The Presiding Officer's Decision (POD) was mailed on July 1, 2002, before the expiration of the 12-month deadline, but Southern California Edison (Edison) filed an appeal to the POD. Edison's appeal, filed July 31, 2002, was timely, but there was insufficient time remaining on the 12-month deadline to allow for a modified POD to be issued in time.

United States Can Company (US Can) filed a response to Edison's appeal of the POD on August 15, 2002. It is anticipated that a modified POD will be issued before the expiration of 2002.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment

of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

Assignment of Proceeding

Michael Peevey is the Assigned Commissioner and Carol Brown is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. This proceeding was initiated on August 3, 2002.
2. Based upon the 12-month statutory deadline, this proceeding was to be resolved on or before August 2, 2002, unless this date is extended.
3. The current schedule allowed insufficient time to resolve this proceeding before the 12-month statutory deadline ran.
4. Edison's appeal of the POD was filed on July 31, 2002, and US Can's response to the appeal was filed on August 15, 2002. It was not possible to issue a modified POD before the expiration of the 12-month deadline.

Conclusion of Law

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended, effective immediately, until further order.

IT IS ORDERED that the 12-month statutory deadline in this proceeding, August 2, 2002, is extended until further order.

This order is effective today.

Dated October 3, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN

C.01-08-018 ALJ/CAB/hkr

MICHAEL R. PEEVEY
Commissioners